

# LAW ENFORCEMENT ACADEMY[501]

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 80B.11(1)“a” and 80B.11(1)“h,” the Iowa Law Enforcement Academy amends Chapter 2, “Minimum Standards for Iowa Law Enforcement Officers,” and Chapter 10, “Reserve Peace Officers,” Iowa Administrative Code.

The rules in Chapters 2 and 10 describe the minimum hiring requirements for certified peace officers and certified reserve peace officers. These amendments bring Chapters 2 and 10 into compliance with 2016 Iowa Acts, House File 2267, which amended Iowa Code section 400.17(3) to change the residency requirement of civil service employees employed by cities and to allow those employees to reside outside of the state of Iowa if a city ordinance allowed it. Chapters 2 and 10 are also amended to allow certified police officers and certified reserve peace officers who are allowed to live outside of the state of Iowa to possess out-of-state driver’s licenses.

The proposed amendments were approved by the Iowa Law Enforcement Academy Council on October 6, 2016. Notice of Intended Action was published in the Iowa Administrative Bulletin on December 7, 2016, as **ARC 2850C**. No public comment was received. These amendments are identical to those published under Notice.

After analysis and review of this rule making, the fiscal impact of these amendments on the law enforcement agencies affected may be significant. Law enforcement agencies in Iowa have seen significant issues with hiring and retention of trained officers, and agencies and officers often have incurred significant relocation expenses to comply with the former residency requirements. Iowa Code section 400.17(3) as amended by 2016 Iowa Acts, House File 2267, and the amendments to Chapters 2 and 10 may significantly lower many of these costs for agencies and officers.

After analysis and review of this rule making, no adverse impact on jobs is anticipated.

These amendments are intended to implement Iowa Code section 80B.11(1).

These amendments will become effective April 5, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 2.1(1) as follows:

**2.1(1)** Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed; provided that, ~~with the approval of the Iowa law enforcement academy council, a city located on a state border that is within a standard metropolitan statistical area may allow officers to reside in an adjacent state within that statistical area upon written application by the agency administrator to the council showing substantial reason and documenting undue hardship~~ the state residency requirement under this subrule shall not apply to employees of a city or county that has adopted an ordinance to allow employees of the city or county to reside in another state and shall not apply to an employee of a city or county that later repeals such an ordinance if the employee resides in another state at the time of the repeal. A city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state shall provide a current copy of the ordinance to the Iowa law enforcement academy. Railway special agents who are approved by the commissioner of public safety as special agents of the department shall be exempt from the Iowa residency requirement.

ITEM 2. Amend subrule 2.1(3) as follows:

**2.1(3)** Has a valid driver’s or chauffeur’s license issued by the state of Iowa. Railway special agents who are approved by the commissioner of public safety as special agents of the department and officers who are allowed to reside in an adjacent state ~~within a standard metropolitan statistical area~~ shall be required to possess a valid driver’s or chauffeur’s license of the state of residence of the officer.

ITEM 3. Amend subrule 10.100(1) as follows:

**10.100(1)** Is a citizen of the United States and a resident of Iowa or intends to become a resident of Iowa upon appointment as a reserve peace officer. ~~However, with the approval of the Iowa law enforcement academy council, a city located on a state border that is within a standard metropolitan~~

~~statistical area may allow reserve peace officers to reside in an adjacent state within that statistical area upon written application by the agency administrator to the council showing substantial reason and documenting undue hardship; provided that the state residency requirement under this subrule shall not apply to employees of a city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state and shall not apply to an employee of a city or county that later repeals such an ordinance if the employee resides in another state at the time of the repeal. A city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state shall provide a current copy of the ordinance to the Iowa law enforcement academy.~~

ITEM 4. Amend subrule 10.100(3) as follows:

**10.100(3)** Has a valid driver's or chauffeur's license issued by the state of Iowa. Reserve peace officers who are allowed to reside in an adjacent state ~~within a standard metropolitan statistical area~~ shall be required to possess a valid driver's or chauffeur's license of the state of residence of the officer.

[Filed 2/8/17, effective 4/5/17]

[Published 3/1/17]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/17.